

1 STEVEN B. WOLFSON  
District Attorney  
2 **CIVIL DIVISION**  
State Bar No. 001565  
3 By: **JEFFREY S. ROGAN**  
Deputy District Attorney  
4 State Bar No. 010734  
By: **JOEL K. BROWNING**  
5 Deputy District Attorney  
State Bar No. 014489  
6 500 South Grand Central Pkwy.  
Las Vegas, Nevada 89155-2215  
7 (702) 455-4761  
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8 E-Mail: [Jeffrey.Rogan@ClarkCountyDA.com](mailto:Jeffrey.Rogan@ClarkCountyDA.com)  
E-Mail: [Joel.Browning@ClarkCountyDA.com](mailto:Joel.Browning@ClarkCountyDA.com)  
9 *Attorneys for Clark County and Clark County District Attorney Defendants*

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 STANLEY RANDOLPH CRANE, an )  
individual, )

Case No: 2:23-cv-00925 -CDS-BNW

14 Plaintiff, )

15 vs. )

**DEFENDANTS' VERIFIED  
MOTION FOR AN EXTENSION OF  
TIME TO FILE A RESPONSE TO  
PLAINTIFF'S COMPLAINT**

16 CLARK COUNTY, a political subdivision )  
organized under the law of the State of )  
17 Nevada; DISTRICT ATTORNEY'S OFFICE, )  
a political subdivision organized under the law )  
18 of the State of Nevada; DISTRICT )  
ATTORNEY STEVEN WOLFSON, an )  
19 individual; DEPUTY DISTRICT ATTORNEY )  
MELANIE H. MARLAND, an individual; )  
20 DEPUTY DISTRICT ATTORNEY )  
WILLIAM J. MERBACK, an individual; )  
21 DEPUTY DISTRICT ATTORNEY SKYLER )  
SULLIVAN, an individual; DEPUTY )  
22 DISTRICT ATTORNEY BRITTNI LEIGH )  
GRIFFITH, an individual; DEPUTY )  
23 DISTRICT ATTORNEY PARKER BROOKS, )  
an individual, and DOES I through X, )  
24 inclusive, )  
25 )  
26 )

27 Defendant. )  
28

COME NOW Defendants CLARK COUNTY, CLARK COUNTY DISTRICT ATTORNEY'S OFFICE, STEVEN B. WOFLSON, DEPUTY DISTRICT ATTORNEY MELANIE H. MARLAND, DEPUTY DISTRICT ATTORNEY WILLIAM J. MERBACK, DEPUTY DISTRICT ATTORNEY SKYLER SULLIVAN, DEPUTY DISTRICT ATTORNEY BRITTNI LEIGH GRIFFITH, and DEPUTY DISTRICT ATTORNEY PARKER BROOKS (hereinafter collectively "Defendants"), through their attorney District Attorney STEVEN B. WOLFSON, by Deputy District Attorney JOEL K. BROWNING, and hereby move this Court for an extension of time to answer or file a responsive motion to Plaintiff's complaint.

This Motion is based upon all the pleadings and papers on file herein, the attached Memorandum of Points and Authorities, and the oral arguments of counsel at the time of the hearing in this matter, if any.

### **MEMORANDUM OF POINTS AND AUTHORITIES**

#### **I.**

#### **NATURE OF MOTION**

On or around July 19, 2023, this case was unexpectedly assigned to the undersigned due to case shuffling in the wake of a sudden leave of absence for an attorney in our office. Counsel for Defendants reached out to Plaintiff's counsel immediately and requested an extension of time to respond to the complaint until August 7, 2023, to give the undersigned sufficient time to review the complaint, speak to the respective defendants, and prepare an answer and/or responsive motion. *See* correspondence between counsel, attached hereto as **Exhibit A**.

The undersigned also agreed to not file a motion to quash for the individual deputy district attorneys which had been improperly served and to waive service for any individual deputy district attorneys who were improperly served or yet to be served in exchange for an extension and in the interests of judicial economy.

Counsel for Plaintiff agreed and, in conferring with the Court, it was advised that the instant extension could only be granted by Motion and not by stipulation and order.

Therefore, Defendants bring the instant motion for an extension of time to respond to Plaintiff's Complaint until August 7, 2023, and to memorialize the agreement between the parties waiving service for Defendants DEPUTY DISTRICT ATTORNEY MELANIE H. MARLAND, DEPUTY DISTRICT ATTORNEY WILLIAM J. MERBACK, DEPUTY DISTRICT ATTORNEY SKYLER SULLIVAN, DEPUTY DISTRICT ATTORNEY BRITTNI LEIGH GRIFFITH, and DEPUTY DISTRICT ATTORNEY PARKER BROOKS.

The undersigned avers that the instant motion is not brought for an improper purpose, to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

## II.

### STANDARD OF REVIEW

"The district court's denial of an extension of time pursuant to Federal Rule of Civil Procedure 6(b) is reviewed for abuse of discretion." *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258 (9th Cir. 2010).

"Requests for extensions of time made before the applicable deadline has passed should 'normally ... be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.'" *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010) (citing 4B Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1165 (3d ed. 2004)).

## III.

### LEGAL ARGUMENT

#### **A. Defendants sought an Extension of Time Prior to the Deadline, their Request for an Extension is not Made in Bad Faith, and Plaintiffs will not be Prejudiced by an Extension**

"Requests for extensions of time made before the applicable deadline has passed should 'normally ... be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.'" *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010) (citing 4B Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1165 (3d ed. 2004)).

1 Here Defendants requested an extension of time prior to the deadline to respond to the  
2 complaint and did so for good cause due to unforeseen circumstances. Furthermore, as  
3 Defendants are also willing to waive service, Plaintiff is not prejudiced, and the interests of  
4 judicial economy are furthered by this extension.

5 Therefore, the Honorable Court should grant Defendants' Motion for an Extension of  
6 Time to Respond to the Complaint until August 7, 2023.

7 **IV.**

8 **CONCLUSION**

9 Based on the foregoing, Defendants humbly request the Honorable Court grant an  
10 extension of time to respond to Plaintiff's complaint until August 7, 2023.

11 DATED this 24<sup>th</sup> day of July 2023.

12 STEVEN B. WOLFSON  
13 DISTRICT ATTORNEY

14 By: /s/Joel K. Browning  
15 JEFFREY S. ROGAN  
16 Deputy District Attorney  
17 State Bar No. 010734  
18 JOEL K. BROWNING  
19 Deputy District Attorney  
20 State Bar No. 014489  
21 500 South Grand Central Pkwy.  
22 Las Vegas, Nevada 89155-2215  
23 Attorney for Clark County and Clark County  
24 District Attorney Defendants

25 **ORDER**

26 **IT IS SO ORDERED**

27 **DATED:** 9:57 pm, July 25, 2023

28 

**BRENDA WEKSLER**  
**UNITED STATES MAGISTRATE JUDGE**

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Clark County District Attorney and that on this 24<sup>th</sup> day of July, 2023 I served a true and correct copy of the foregoing **DEFENDANTS' VERIFIED MOTION FOR AN EXTENSION OF TIME TO FILE A RESPONSE TO PLAINTIFF'S COMPLAINT** through CM/ECF Electronic Filing system of the United States District Court for the District of Nevada (or, if necessary, by U.S. Mail, first class, postage pre-paid), upon the following:

CRAIG A. MULLER, ESQ.  
MULLER & ASSOCIATES, INC.  
808 S. 7<sup>TH</sup> Street  
Las Vegas, NV 89101  
*Attorney for Plaintiff*  
[electronicservice@craigmuellerlaw.com](mailto:electronicservice@craigmuellerlaw.com)

/s/Patricia C. Villa  
An Employee of the Clark County District  
Attorney's Office – Civil Division

# **EXHIBIT A**

**(Correspondence)**

**From:** [Susie Ward](#)  
**To:** [Joel Browning](#)  
**Cc:** [Patricia Villa](#); [Charles Lobello](#)  
**Subject:** RE: Crane v. Clark County, et al. RE: Introduction and Request for an Extension / Case No. 2:23-cv-00925  
**Date:** Monday, July 24, 2023 10:45:43 AM  
**Importance:** High

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Joel,

I called the clerk, the extension needs to be done by a motion. Once the motion is filed, she advised we call the chambers to tell them the number is 702-464-5500. I am assuming since you have not appeared the motion will need to come from you? Please let me know if I can help in any way.  
Sincerely,

*Susie Ward*

Paralegal,  
Mueller and Associates  
808 S. 7<sup>th</sup> Street  
Las Vegas, NV 89101  
P- 702-382-1200  
F- 702-637-4817  
[susie@craigmuellerlaw.com](mailto:susie@craigmuellerlaw.com)

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**From:** Susie Ward  
**Sent:** Monday, July 24, 2023 10:36 AM  
**To:** Joel Browning <Joel.Browning@clarkcountyda.com>; Charles Lobello <charles@craigmuellerlaw.com>  
**Cc:** Craig Mueller <craig@craigmuellerlaw.com>; Patricia Villa <Patricia.Villa@clarkcountyda.com>  
**Subject:** RE: Crane v. Clark County, et al. RE: Introduction and Request for an Extension / Case No. 2:23-cv-00925

I think we need to get a stipulation and order to the court for the extension.

Sincerely,

*Susie Ward*

Paralegal,  
Mueller and Associates

808 S. 7<sup>th</sup> Street  
Las Vegas, NV 89101  
P- 702-382-1200  
F- 702-637-4817  
[susie@craigmuellerlaw.com](mailto:susie@craigmuellerlaw.com)

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**From:** Joel Browning <[Joel.Browning@clarkcountyda.com](mailto:Joel.Browning@clarkcountyda.com)>  
**Sent:** Wednesday, July 19, 2023 2:57 PM  
**To:** Charles Lobello <[charles@craigmuellerlaw.com](mailto:charles@craigmuellerlaw.com)>  
**Cc:** Craig Mueller <[craig@craigmuellerlaw.com](mailto:craig@craigmuellerlaw.com)>; Susie Ward <[Susie@craigmuellerlaw.com](mailto:Susie@craigmuellerlaw.com)>; Patricia Villa <[Patricia.Villa@clarkcountyda.com](mailto:Patricia.Villa@clarkcountyda.com)>  
**Subject:** RE: Crane v. Clark County, et al. RE: Introduction and Request for an Extension / Case No. 2:23-cv-00925

I am amenable to waiving service for DDA Griffith and thank you for your professional courtesy.

*Joel K. Browning*  
Deputy District Attorney  
Clark County District Attorney's Office  
Civil Division  
T: (702) 455-4761  
F: (702) 382-5178

\*Please note my office hours: M-Th (7:30 a.m. to 6:00 p.m.)

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**From:** Charles Lobello <[charles@craigmuellerlaw.com](mailto:charles@craigmuellerlaw.com)>  
**Sent:** Wednesday, July 19, 2023 2:52 PM  
**To:** Joel Browning <[Joel.Browning@clarkcountyda.com](mailto:Joel.Browning@clarkcountyda.com)>  
**Cc:** Craig Mueller <[craig@craigmuellerlaw.com](mailto:craig@craigmuellerlaw.com)>; Susie Ward <[Susie@craigmuellerlaw.com](mailto:Susie@craigmuellerlaw.com)>; Patricia Villa <[Patricia.Villa@clarkcountyda.com](mailto:Patricia.Villa@clarkcountyda.com)>  
**Subject:** RE: Crane v. Clark County, et al. RE: Introduction and Request for an Extension / Case No. 2:23-cv-00925

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Joel,

In response to your email of earlier today to Mr. Mueller, we agree to an



extension to respond to August 7, 2023. We are presently having a Summons issued for DDA Griffith. In addition to your agreement to accept service on behalf of DDAs Marland, Sullivan, Brooks, and Merback, are you also amenable to accepting service on behalf of DDA Griffith?

Please advise. I look forward to hearing from you.

*C. Conrad LoBello, Esq.*

**CRAIG MUELLER & ASSOCIATES**

Tel.: (702) 382-1200

Fax: (702) 637-4817

808 S. Seventh St.

Las Vegas, Nevada 89101

[charles@craigmuellerlaw.com](mailto:charles@craigmuellerlaw.com)

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**From:** Craig Mueller <[craig@craigmuellerlaw.com](mailto:craig@craigmuellerlaw.com)>

**Sent:** Wednesday, July 19, 2023 9:50 AM

**To:** Susie Ward <[Susie@craigmuellerlaw.com](mailto:Susie@craigmuellerlaw.com)>; Charles Lobello <[charles@craigmuellerlaw.com](mailto:charles@craigmuellerlaw.com)>

**Subject:** FW: Crane v. Clark County, et al. RE: Introduction and Request for an Extension / Case No. 2:23-cv-00925

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**From:** Joel Browning <[Joel.Browning@clarkcountyda.com](mailto:Joel.Browning@clarkcountyda.com)>

**Sent:** Wednesday, July 19, 2023 9:44 AM

**To:** Craig Mueller <[craig@craigmuellerlaw.com](mailto:craig@craigmuellerlaw.com)>

**Cc:** Electronic Service <[electronicservice@craigmuellerlaw.com](mailto:electronicservice@craigmuellerlaw.com)>; Patricia Villa <[Patricia.Villa@clarkcountyda.com](mailto:Patricia.Villa@clarkcountyda.com)>

**Subject:** Crane v. Clark County, et al. RE: Introduction and Request for an Extension / Case No. 2:23-cv-00925

Good Morning, Mr. Mueller.

My name is Joel Browning and I was assigned to represent the defendants in this case this morning. The case had previously been assigned to another deputy who was forced to take an unexpected and extended leave of absence due to a family emergency.

I am scheduled to take vacation next week when the response to the complaint is due and was looking to request a two-week extension until August 7, 2023, to get up to speed on the case and to file an answer or responsive motion with the court.

In exchange for an extension of time to respond and in lieu of filing motions to quash, the individual deputies are prepared to waive service. Please note that the attempted service of the individual deputies (Marland, Sullivan, Brooks, Merback) by leaving a copy of the summons and complaint with the front desk of their employer, did not satisfy the requirements of Fed. R. Civ. P. 4(e) because they had not authorized the front desk staff as their agent for service. Please also be advised that it is upon information and belief that no attempted service of DDA Griffith has been attempted to date.

Please advise whether you are amenable to this request and thank you for your consideration.

Sincerely,

Joel



*Joel K. Browning*

Deputy District Attorney  
Clark County District Attorney's Office  
Civil Division

T: (702) 455-4761

F: (702) 382-5178

E: [joel.browning@clarkcountynyda.com](mailto:joel.browning@clarkcountynyda.com)

\*Please note my office hours: M-Th (7:30 a.m. to 6:00 p.m.)